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① On August 29, 2004, The defendant Ex-Girl Friend by anger and slander reported to the New Boston P.D. that the defendant violated a Domestic Violence Final Order. See Doc# 04-03121, Manchester District Court, The defendant was arrested on an active warrant based upon hearsay. The defendant charged with the violation of protective order. After a hearing, the defendant was sentenced to (29) Days credit by his incompetent assistance of Counsel Mr. Rayn Norwood.

See: State v. MacInnes, 151 N.H. 732 (2007)

② On Nov 12, 2010, the defendant filed a motion to withdraw his nolo contendere plea that was not intelligently and voluntarily made. On Dec 17, 2010, the Goffstown District Court reviewed the defendant motion and appointed new Counsel. On Feb 15, 2011, the Court heard testimony regarding the defendant motion based upon ineffective assistance of Counsel and denied the defendant relief based upon defendant lack of credibility.

③ The defendant States that his nolo Contender plea was not intelligently and voluntarily made see: Boykin v. Alabama, 395 U.S. 238 (1969). Attorney Rayan Norwood from the Public Defenders Office did not provide such true advice or professional opinion. Counsel advised "you will go home if you plea nolo, and because nolo of 4 meant nothing" Not a conviction. See: State v. Starkey, 155 N.H. 638 (2009). e150

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Strickland v. Washington, 466 U.S. 638. (1984).

The defendant states that his Counsel failed to disclose material facts and misrepresentation of material facts to the defendant and not routinely explained the nature of the offense or plea in sufficient detail to give the defendant notice of what he is being asked to admit and what the outcome of his plea. When the defendant refused to guilty. On the record, there is information known to the Court at the time of the hearing sufficient to raise doubts about the defendant competency. See: Pate v. Robinson, 383 U.S. 375 L.Ed. 2d 561 (1966).

- ⑤ The defendant states, that the Honorable Court violated his Constitutional Rights State and Federal in failure to offer the defendant an interpreter during the hearing pursuant to the CIA act, when there is ambiguity of language in plea agreement. At the time of the hearing the defendant possessed minimal formal education and little familiarity with the Court proceeding, that the Court failed to advise the defendant certain Constitutional Rights nor his Counsel that he had a right to insist on a trial by jury and the consequent waiver of that right by plea. WHEREFORE, The defendant respectfully request this Honorable Court;

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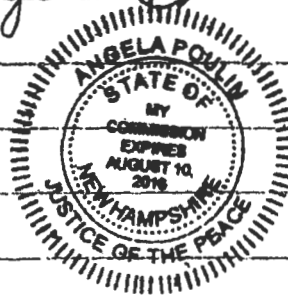
1. Allowed this motion be granted;
2. Allowed the Court to correct a manifest injustice;
3. Grant the defendant such other and further relief as is just and equitable as this Court deems Right.

CERTIFICATE OF SERVICE

I, Dominic Ali hereby certify that under penalty of perjury, that a copy of this motion has been forwarded to Attorney General's Office. First class postage address on Sept 13, 2012.

*Dominic Ali* 9/13/12 *Angela Poulin* 09/13/12

Dominic Ali 81829  
138 East Main Rd  
Berlin, NH 03570



THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

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Coos County, SS

State of New Hampshire  
V.

Dominic Ali

Case No. 438-2004-CR-01627

2012 SEP 21 4 23 PM  
COOS COUNTY SUPERIOR COURT

MEMORANDUM OF LAW IN SUPPORT OF THE MOTION  
TO WITHDRAW THE Nolo CONTENDER PLEA.

On or about August, 2004, the defendant was assigned Attorney Rayn Norwood from the Hillsborough County Public Defender's Office. Attorney Rayn Norwood was the primary Counsel for the defendant at the time of the hearing. He was an experience criminal lawyer that he was very optimistic about the defendant chances in court. Attorney Rayn Norwood has no strategic purpose to discover instructional error, that he tempt to rest on the perceived weakness of the prosecution case. Attorney Rayn Norwood was only interested in a fee.

2012 OCT -9 P 11 48  
COOS COUNTY SUPERIOR COURT

LEGAL ARGUMENT

of 7 The defendant argue that the victim Loretta D. Lee-Roy reported to the New Boston P.D. On August 29th, 2004, that the defendant violate a Domestic

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violence Final order issued by the Hillsborough County Superior Court, when in *de facto*, the protective order was filed under false allegation (1) there were insufficient allegation of fact to support the issuance of an ex parte temporary protective order to the plaintiff (2) the RSA 173-B:5 require that the Court must make a specific finding of Criminal Conduct in order to issue a final restraining order against the defendant.

On May 26, 2004, the defendant went to trial after pleading not guilty and the allegation with the case was dismissed. See; Fillmore v. Fillmore, 147 NH 283 (2001) because the victim did not show an immediate and present danger of abuse by the defendant.

The defendant argue that, On August 29, 2004, he was stop for another violation of open container, alcohol, then he was arrested on an active warrant from the Goffstown and he was charge with the violation of the protective order. After a hearing, the defendant was sentence to (29) days credit by his incompetent Attorney.

The defendant argue that his plea must be vacated from his criminal record because his plea was not intelligently and voluntarily made. See;

Boykin v. Alabama, 395 U.S. 237 (1969) His Attorney Rayn Norwood a public Defender did not provide such true advice or professional opinion about the plea. Nolo, He advised the defendant to plea guilty,

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the defendant told Counsel no, because <sup>he</sup> hasn't done nothing, then Counsel threatened that the defendant would face six months in jail if convicted, then Counsel grossly misinformed the defendant about the plea Nolo, that, "it meant nothing" and the defendant would go home". See: State v. Offen, 156 NH 435 (2007).

### COLLATERAL DAMAGES

Counsel failed to disclose plea offer and not routinely explained the nature of the offense went it carries a felony conviction. in Sufficient detail to give the defendant notice of what he is being ask to admit, or what is the outcome, and the Court acceptance of Ali's plea violated his due process rights as guaranteed by part (1) article (15) of the New Hampshire Constitution.

There is a reasonable probability that had not been for Attorney Rayn Norwood advised to plea Nolo, the defendant would insist upon going to trial by jury. See: State v. Sharkey, 155 NH 638 (09). Holds were Counselor does not provide such information, Counsel has perform ineffectively.

Failure of the Court to determine whether the defendant was pressured and misinformed into signing on to package plea calls to question of the voluntariness of the Nolo plea. See:

Valencia v. U.S. 923 F.2d 917 (1st. 1991)

the defendant possessed minimal formal education and little familiarity with <sup>the</sup> legal system. that

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the Court during the hearing failed to advise the defendant certain Constitutional rights. See: Henderson v. Morgan, 412 U.S. 637, 12d 5-ct (1976) or informed the defendant critical element of the offense to which he pled. As abuse of discretion and violation of the CJA act, the Court failed to offer the defendant an interpreter during his hearing that is violation of the Fifth Amendment pursuant to the CJA act, the defendant is entitled to an interpreter. The judge at the hearing had best position to assess the defendant instead he threatened the defendant with five years in prison, the record would reveal that. The judge had usage, comfort level and intelligibility knowing the defendant language other than the English during the hearing. The lack of an interpreter during the proceeding inhibited the defendant comprehension of the plea and communication with attorney who lived to the defendant and the judge. The Court failed to seek to measure defendant comparative ability to speak or he understood the English language; Because of the ambiguity of language in plea agreement. See: Margalli-Oliver v. INS, 43 F.3d 345 (8th Cir. 1994).

1 of 7 The Federal Constitution offer the defendant no greater protection than does the State Constitution under these circumstances. See: Alber, 113 N.H. at 138; Smith, 127 N.H. at 439, NAACP v. Alabama, 377 U.S. 288 (1964).

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The Court must judge the reasonableness of Counsel on the fact to the particular case.

A defendant claiming ineffective assistance of Counsel must show (1) that Counsel representation fell below an objective standard of reasonableness (2) that Counsel deficient performance prejudice his case. Second part of Strickland requires a criminal defendant to show prejudice from Counsel deficient performance for the purpose of establishing ineffective assistance of Counsel under Federal Constitution (6th) Amendment, where such claim involves Counsel performance during the course of Legal proceeding, either at trial or appeal, (A) showing how specific errors of Counsel undermined the reliability of a finding of guilt, or (B) demonstrating that Counsel errors actually had an adverse effect on the defendant case. See:

Cook v. Lynaugh, 821 F.2d 1072 (CA 5th 1987)

In the instance case, the defendant would have not plead or nor been found guilty if it wasn't for his Counsel advised. See: Powell v. Alabama, 287 U.S. 45, 69, S.Ct. (1932). also, Richter v. Hickman, 578 F.3d 944 (CA 9th 2009).

of 7 Therefore, Attorney Rayn Norwood representation fell below an objective standard of reasonableness in failure to disclose material facts or misrepresentation of material facts to the defendant.

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DENIAL OF CONSTITUTIONAL RIGHTSSTATE AND FEDERAL

The six Amendment entitle the defendant a right to assistance of Counsel and due process of law under the Fifth, and part (1) article (15) of the State Constitution. see: State v. MacASKILL, 129 NH 405

Attorney Rayn Norwood actual construction denial of assistance of Counsel is legally presumed to result in prejudice. the defendant resulting in unreliable or fundamentally unfair outcome of the proceeding whose result is reliable. Strickland v. Washington, 466 U.S. 668 (1984). The Court of appeals agrees, that the six Amendment impose on Counsel a duty to investigate because a reasonable effective assistance must be based on professional decision, and informed legal choices can be made only after investigation of options. The Court observed that Counsel's investigatory must be assessed in the light of the information known at the time of the decision not in hindsight, and the amount of pretrial investigation that is reasonable - defense precise measurement. As matter a law the defendant assertion of ineffective assistance of 7 simply cannot excuse a lawyer failure to inform and then advise his client, there purpose of advised is to have an effect on the defendant view. Attorney Rayn Norwood knew the defendant was motivated primarily by a strong desire not to plea guilty to anything that result in conviction.

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CONCLUSION

The defendant Ali, respectfully move this Honorable Court to vacate his conviction the RSA 173-B:9, IV, III for the reason states on the motion to withdraw nolo contendere plea.

CERTIFICATE OF SERVICE

I, Dominic Ali, herby declare under penalty of perjury that the fact states in the forgoing motion and the Memorandum of Law are true and correct copy has been sent to the Attorney Generals office, via U.S. Mail. Postage address first class on Sept 13, 2012

Dominic Ali  
9/13/12

Angela Poulis 09/13/12

of 7

Dominic Ali 81829  
138 East Main Rd  
Berlin, NH 03570  
C: file



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THE STATE OF NEW HAMPSHIRE

SUPERIOR COURT

Coos County, ss

Term 2013

Plaintiff Dominic Ali

v.

Defendant Edward Reilly, Warden

Case NOX 214-2012-EV-00178

Plaintiff's motion Request For Admission

NOW COMES, Dominic Ali, survivor, respectfully requests this Honorable Court to grant this motion for the following reason states below;

The plaintiff has a motion with this Court to withdraw a Nolo contendere plea that was not intelligently and voluntarily made, see; Boykin v. Alabama, 395 U.S. 238 (1969). The plaintiff states that his incompetent attorney from the public Defenders Office, Mr Rayn Norwood grossly misinformed the plaintiff's about the law, in failure to provide true advise and professional opinion not routinely explaining the true nature of the offense in sufficient detail, see; State v. Sharkey, 155 N.H. 632 (2009).

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The plaintiff requests the opposing party to admit that the Manchester and Goffstown District Courts decision that the plaintiff posed a credible threat to the victim safety as based largely and relying heavily on the allegation of the prior incident, when there was insufficient allegation of fact to support the issuance of an EX-parte temporary (DVP) order on April 24, 2004,

That the Court conducted a hearing on April 7, 2004, without the plaintiff present or the victims. Having considered the victim petition for (DVP) The plaintiff was arrested on April 1, 04 and was at the county jail, when the Court issued a summons for the plaintiff to appear before the Court for his testimony that could have had the Court dismissed the victim petition of (DVP).

That the plaintiff incompetent Counsel did not request for production of documents "Discovery" during the 24th Days of the plaintiff incarceration to familiarize him self with the case. See; Brady v. Maryland, 373 U.S. 83 (1963). also, State v. Laurie, 139 N.H. 325 (1995). For the purpose of attacking the character and truthfulness of the State case and to

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proof an act of dishonesty and false statement that been made by the victim on the petition of (DVP), that could be admissible for attacking her credibility.

That the Court however never informed the plaintiffs that the State had to prove beyond a reasonable doubt their case and to demonstrate to a clear and convincing degree that the plaintiffs entered his plea without pressure and with understanding that he had a right to insist on a trial and ultimately jury trial, before signing on to plea package.

That the plaintiff was arrested on August 2004, on an active warrant from the Goffstown District Court for violation of protective order and that he was also charge with position of alcohol by a mixer, that at the hearing for that case, the plaintiff was offered an interperter because the plaintiff's language was other than English and he possessed minimal education in 2004. And that Julie Sennerville and Michael Dunivan, will provide this Court with relevant fact to the plaintiff's level of education that lend his incompetent counsel to misinform him about the law and pressured him into signing on to plea package.

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That the plaintiff is currently incarcerated for longer terms as result of his unlawful and bias conviction of Nolo contendere plea on Sept 28, 2004, and that the State did upgranded the plaintiff's misdemeanor offenses to felonies based upon this conviction.

### Conclusion

The plaintiff Dominic Ali, respectfully moves this Honorable Court and request the opposing party to admit that the particular pieces of information is true and to verify all document filed with this court is genuine.

1. Allowed this Honorable Court to correct a manifest injustice;
2. And grant the Plaintiff's such other and further relief as is just and equitable.

### Certificate of Service

I, Dominic Ali, hereby certify under penalty of perjury, that a copy of this Request for admission has been forwarded to Assistant County attorney Kathleen Broderick Esq., 1/31/13, First class postage address. C: File



*[Signature of Dominic Ali]*

*[Signature of Angela Poulis]*

1/31/13

January 31, 2013

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THE STATE OF NEW HAMPSHIRE  
SUPERIOR COURT

Coos County, ss

Term 2013

Dominic Ali

v.

Edward Reilly, Warden

Case No. 214-2012-EV-00178

Petitioner is

Defendant's motion for Summary  
Judgment

NOW COMES, Dominic Ali, Sui Juris,  
respectfully requests this Honorable Court to  
grant this motion for the following reasons  
stated below;

The defendant has a motion to withdraw  
a Nolo Contendere plea, that was not intelligently  
and voluntarily made, see; Boykin v. Alabama, 395  
U.S. 238 (1969). The defendant states that his  
incompetent from the public Defenders Office, Mr.  
Rayn Norwood misinformed the defendant about  
the law, failing to provide true advice and  
professional opinion not routinely explain the  
nature of the offense in sufficient detail.

18 See; State v. Sharkey, 155 N.H. 638 (2009).

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On or about August, 2004, the defendant was assigned attorney Rayn Norwood from the Hillsborough County public Defender's Office, who was the primary Counsel for the defendant at the time of the hearing. He was an experienced criminal lawyer who had a bad reputation as a working agent with the assistant County attorneys and never acted in a role of an active advocate on behalf of his clients. The date of the hearing, Counsel was very optimistic about the defendant's chances, that he has no strategic purpose to discover instructional error. Counsel rested on the perceived weakness of the prosecution case. Because he's only interested in a fee.

A Domestic violence Final order issued pursuant to RSA 173-B:9.1V, by the Manchester District Court on April 8th, 2004, that was Piled under false allegation when there was insufficient allegation of facts to support the issuance of an Ex-parte temporary (DVP) to the plaintiffs. See: Fillmore at "147 NH 283".

The Court having considered the plaintiff's petition, it issued a summons for the defendant who was arrested on April 1st, 2004, and was at the County Jail for 20th Days to appear before the Honorable Court for his testimony.

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The defendant have no record of an attorney been appointed by the Court to represent him another did he was allowed to appear before the Court for his testimony on April 8, 2004. See; Defendant motion to amend Filed with this Court (EXhibit A1).

On April 1st, 2004, the defendant was order to appear before the Honorable Court to answer to the Complaint charging him simple Assault RSA 63:2-A and stalking that record on March 27, 2004, after he was arrested without been served with the (OVP) petition at his residence. The defendant plead not guilty and trial was set for May 26, 2004, All charges were dismissed by the Court, Justice Norman E. Champagne. See; (EXhibit A2) motion to amend Filed with this Court.

For the purpose of attacking the character or truthfulness of the plaintiff, the defendant has proof an act of dishonesty and false statement made by the plaintiff. As the plaintiff (OVP) and all charges were dismissed by the Court as listed above should be admissible for attacking her credibility at trial. Should the State call her as a witness.

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Failure of the Court to determine whether the defendant was pressured and misinformed into signing on to package plan, calls to question of the voluntariness of the plan.

The defendant at the time of the hearing possessed minimal education and little familiarity with the legal system. At the same time, the trial Court, however, never informed Mr. Ali that the State had to prove beyond a reasonable doubt that the defendant violated order of protection.

The 14<sup>th</sup> Amendment provides that no State shall deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the law;

See; Margalli-Overa v. INS, 43 F.3d 345 (8th Cir. 94)

And requires that a plea guilty be made knowingly and voluntarily because it involves a waiver of Constitutional Rights on the part of the defendant.

This Honorable Court would notice on the plea package the defendant did not write the date and the highest educational grad. The defendant was given the plea package upside down under pressure by his counsel tell him "Just sign it!" see: Exhibit )

The rule requires that the Court must address a defendant in open Court to make sure that there is a clear understanding between the -

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Court and the defendant of the following

- ① Nature of the charges ② guilty plea was free from coercion
- ③ Consequence of the guilty plea
- ④ Defendant rights to trial by jury
- ⑤ Rights to testify and call witness and the privilege against self incrimination.

Instead the judge threatened the defendant with five years in prison for a lie made by the plaintiff on her way out of the country.

Criminal law - Right to Effective Counsel. Plea; Defense Counsel will fail to supply the effective assistance of Counsel guaranteed by the New Hampshire Constitution, if Counsel grossly misinforms a criminal defendant client about the collateral consequence of pleading guilty the defendant relies upon that advice in deciding to plea guilty and there is a reasonable probability that the defendant would not have pled No10 but for that erroneous advice.

The defendant would insist upon going to trial by jury, call all his witness and face his accuser and have his rights to testify.

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The defendant was sentenced to (29) Days credit by his incompetent Counsel who had known the defendant was motivated primarily by a strong desire not want to plea to anything that result in conviction.

The violation of Boykin did not entitle the defendant to relief on this collateral attack, with respect to this Court as the Honorable Court would notice, it simply left the State with the burden to demonstrate to a clear and convincing degree that when Mr. Ali entered his plea, he understood that he had a right to insist on a trial, and ultimately jury trial before the Goffstown District Court,

As the defendant moves to withdraw a prior guilty plea, he has the burden to prove that his earlier plea was not made voluntarily and that withdrawal of the plea must be allowed to correct a manifest injustice See; State v. LaForest 140 NH 286 (1995) Within this Court discretion to grant the withdrawal of this conviction, this Court is not required to believe the defendant's statement. The defendant provided this Court with enough evidence that the victim fabricated stories and is known by the family to be a liar and untrustworthy that she doesn't know very many moral

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boundaries and it's unfortunate that she is willing to do whatever to have the defendant arrested over and over again for these hearsay statement she made, knowing that the Hillsborough County District Attorney more than likely to act on these false statement and act of dishonesty to arrest the defendant simply because he is a black men that he's more than likely to commit the crime charge, and always discriminatory conduct have been taken with full reckless disregard by the District Attorney's Office. As this Honorable Court would notice that, the defendant has no criminal record and Mr. Ali insist to the District Attorney's Office reckless disregard motivated by racial bias to make him one.

The Fourth circuit has expressly stated this delineation: "Ordinarily, an attorney need not advise his client of the myriad collateral consequences of pleading guilty. However, where the client asks for advice about a collateral consequence and relies upon it in deciding whether to plea guilty, the attorney must not grossly misinform his client about the law." And it's clear on the record of the hearing 9/23/04, Counsel for the defendant advise the Court that Mr. Ali have no idea of how these the severe charges, and that he is from Sudan of 18 but back in the holding cell, Counsel threaten

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the defendant to plea guilty, if not the defendant would face six months in jail if convicted. The defendant insist to plea guilty, then Counsel misinformed the defendant to "plea Nolo because Nolo meant nothing and you don't know what happened and you will go home". This is not the first time that the New Hampshire public Defender's Office and the Assistant County Attorney's violate Mr. Ali's Constitutional Rights. Were public Defender's attorney's threaten Mr. Ali to take a plea of guilty or face immigration consequence if convicted, or the County attorney's over charge Mr. Ali with a non sense charges that violate Mr. Ali's Constitutional protection of due process, equal protection and reasonable bail, and the trial Court always have been in denial and refusal to inquire into defendant need for an interpreter because of his inability to pay for one. That is in violation of Mr. Ali's Sixth Amendment right to confrontation and due process of law. The defendant limited education lead to his counsel to misinform the defendant about the law and rail Road the defendant into signing an acknowledgement and waiver of rights form that is the state only evidence to this unlawful conviction. The State complaint Date August 29, 2004, States that the defendant knowingly violate a (NVEO) issued pursuant to

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by the superior Court, but failed to inform this Court that the Honorable Judge Philip P. Mangano violate Mr. Ali's due process of law in not allowing him to appear before the Court for his testimony. The defendant was at the County Jail for (20) Days from 4/1/04 to 4/20/04. without the defendant appearing the Court found that the plaintiff has been abused. This Court has copies of that matter of Ali v. Leroy. Therefore, the State would fail to carry its burden of demonstrating that the defendant Nolo plea was knowingly, voluntary and intelligent because the defendant was in jail when the Court conducted a hearing. The defendant have doubt that neither did the plaintiff was in Court for that hearing on 4/8/04. Because the Court nor the State have a record of the plaintiff was in Court when the defendant ask, therefore the petition of the (DrP) should have been dismissed by the Court.

### Collateral Damages

Counsel failing to disclose plea offer and not routinely explained the nature of the offense went it carries a felony conviction in sufficient detail violated Mr. Ali's due process rights as guaranteed by part (1) article (15) of this State constitution and the sixth Amendment rights.

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Attorney Rayn Norwood Failure to consider all circumstances to investigate the plaintiff's lies and false allegations, were he did not familiarize him self with the discovery and neither did he provided the defendant with discovery. See: Brady v. Maryland, 373 U.S. 83 (1963) also, State v. Laurie, 139 NH 325 (1995).

Please be advised, that this is the same issues, the defendant was working as a welder with the North American upfitters inc, five month latter on August 29th, 2004, the plaintiff found out that the defendant wants nothing to do with her, she by anger and slander reported to the New Boston P.d. that the defendant violated (DVP) order that was dismissed or should have been dismissed by the court knowing that the (DVP) was filed on false statement and dishonesty.

The defendant was arrested again on an active warrant and 29th days latter his incompetent attorney showed up in court for the hearing advising the defendant to "plea guilty" when the defendant said no, he threatened the defendant with more jail time, then he advised the defendant to "plea nolo because it weant nothing". Counsel/grossly misinform the defendant about the law. See: State v. Offey, 156 NH 435. (2007).

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The defendant conviction is pending before the Federal Court for the First cir of N.H. One of the issues is the incompetency of the public Defender's Office Program who is in fear to subject the Assistant County Attorney's to meaningful adversarial challenge during Mr. Ali's trial. As it seem they check with county attorney if they agree with every motion they need to file with the Court. See; attachment ) I don't ask the District Attorney if he agree or approve of this motion, there is a reason for something called an objection. with respect to this Honorable Court. This is what is going on with these incompetent Attorney's, wonder why they prejudiced the defendant every case.

The Constitutional requirement of substitution equality and fair process can only be attained where counsel act in the role of an active advocate on behalf of his client, and opposed to that of amicus curiae, the no-merit letter and procedure it trigger do not reach that dignity. Counsel should and can with Honor and without conflict be of more assistance to his client and the Court. His role as an advocate requires that he support his client not railroad him. See; Powell v. Alabama, Counsel's advised was essential as a Constitution matter. Any issues beyond Nolo plea conviction it's

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irrelevant. As this Court would notice in the decision of the New Hampshire Supreme Court in the case the State v. Macleod, which "141 NH 427" that "the trial Court have the authority and the obligation to the curb prosecution broad discretion, if over charging poses danger of Confession harassment or other unfair prejudice."

See; State v. Sharkey, 155 NH 638 (2007). Were Sharkey pled guilty to driving under the influence of alcohol. Sharkey had a Massachusetts drivers license. When he pled guilty and he informed his incompetent attorney that he had four prior conviction in Massachusetts for operating a vehicle under the influence of alcohol. Sharkey asked his incompetent attorney what effect a conviction in the pending N.H. case would have upon his Mass drivers license. His incompetent attorney told him that Mass would suspend his license for the same period of the time as N.H. and advised him to plead guilty. Once the Mass DMV received notice of that plea and conviction while intoxicated in this State however, the Mass DMV revoked his license for lifetime according to there laws.

Sharkey would not have pled guilty to the N.H. charge had he known that it would result in the permanent revocation of his Mass license.

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On appeal both parties agreed that the license revocation penalty imposed by Massachusetts is a collateral consequence of the guilty plea August, 2004. In the instant case, unlike Mr. Shankey's case which involve driving while intoxication, where both the defendants rely upon Counsel advice, under part of article (15) of the State of N.H. and the sixth Amendment to the United State Constitution, were Mr. Ali's Counsel grossly misinform him about the law, "that the plea Nolo meant nothing" three years latter Mr. Ali found out that his counsel advice was a lie.

Strickland v. Washington, 466 U.S. 668 (1984). The Court of appeals agrees that the sixth Amendment imposes on Counsel a duty to investigate because a reasonable effective assistance must be based on professional's decision, and informed legal choices can be made only after investigation of options. The Court observed that Counsel's investigatory decision must be assessed in the light of the information known at time of the decision's not in the hand sight and the amount of pretrial investigation that is reasonable defense precise measurement,

In the instant case, Ali's attorney had no strategic purpose but to make a fast buck by throwing Mr. Ali under the Bus with moral turpitude.

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ABUSE of DISCRETION

The Judge at the hearing had best position to assess the defendant, instead according to the record, he threatened the defendant with five years in prison. And that five years would come from the plea package that the defendant did not understand on Sept 28, 2004.

The judge had usage, comfort level and intelligibility to assess the defendant when Counsel for the defendant advised the Court that Mr. Ali is from the Sudan, according to that, his language is other than English during the hearing. The lack of an interpreter during the proceeding inhibited the defendant comprehension of the plea and communication with the Court. As the Court failed to seek to measure the defendant comparative ability to speak or if he understood the English language. Please be advised that the defendant was in the country for four years only when he was convicted of the Nolo plea, both the defendant and his ex-girlfriend were speaking language other than English. Therefore ambiguity and language barrier had an effect on the defendant plea agreement. See; Margalli-Oliver v. INS, 43 F.3d 345 (8th Cir. 1994). That Counsel and the Court knew the State had a hearsay statement and

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public confidence in the judicial process. They pressured the defendant into signing the plea package that he did not understand.

Please be advised, that the defendant On August 2004, was arrested on an active warrant from the Goffstown District Court for violation of protective order and also was charge with possession of alcohol by a minor by Manchester P.d. As the defendant is entitled to an interpreter, the judge at the Manchester District Court offer the defendant an interpreter because the defendant language was other than English and that conviction result in a fine of \$400. And that happend the same year. See; NO# 04-069600, August 31, 2004, Attachment ).

The defendant characterizes the Goffstown District Court decision that the defendant posed a credible threat to the plaintiff's safety as based largely and relying heavily on the allegation of the prior incident of March 27th, 2004, that the Manchester District Court dismissed on May, 2004 - Case NO# 04-23835, Exhibit A2 in this Court position.

The Federal Constitution offer the defendant no greater protection then does this State Constitution under these circumstances;

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This Court must Judge the reasonableness of Counsel on the fact to the particular case.

As this Court would notice on the defendant memorandum of law filed on 9/13/12, the had a reason to insist upon going to trial by jury.

This is a plain errors which is obvious and seriously affected the fairness, integrity, or public reputation of the Judicial proceeding. See; State v. MacInnis, 151 NH 732 (2007) also U.S. v. Davis, 974 F.2d 122 (DC Cir 1992) (1) Denial of the trial Court to allowed the defendant to appear for the (DVP) hearing on 4/12/04 for his testimony that could have this petition dismissed (2) Denial of Attorney Ryan Norwood the assistance of Counsel and grossly misinformed the defendant about the law (3) on 9/28/04 (3) As result of this unjust conviction the defendant on February 4th, 2008, was charged with felonies relating to this Nolo Plea.

On or about, 2008, the defendant advised his trial Counsel who represented him under conflict of interest that they failed to investigate this Nolo plea conviction, in fear of that conflict of interest they elected to make an agreement with the State who discriminatory over charge the defendant with double jeopardy that prejudiced the outcome of his case.

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Conclusion

The defendant Dominic Ali, respectfully moves this Honorable Court to dismiss this Nolo conviction RSA 173-B:9, with prejudice.

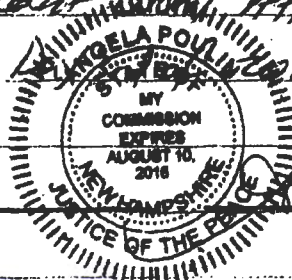
The defendant is currently incarcerated for longer term as result of this bias conviction of Nolo conviction been upgraded by the State in his misdemeanor offenses indictment of 2008, see 88,859.

- 1- Allowed this Honorable Court to correct a manifest injustice;
- 2- As result of this Nolo conviction the defendant is facing immigration consequences of a prison sentence that result from his conviction of the Nolo been upgraded to Felonies. And grant the defendant such other and further relief as is just and equitable.

Certificate of Service

I, Dominic Ali, hereby certify that a copy of motion and under penalty of perjury, has been forwarded to Assistant Court Attorney Kathleen Broderick, esq., this 1/3/13 first month.

*Dominic Ali*



*Angela South*

of 18 1/3/13

01/03/13

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**THE STATE OF NEW HAMPSHIRE**

**SUPREME COURT**

**In Case No. 2013-0155, Dominic S. Ali v. Warden, Northern New Hampshire Correctional Facility, the court on June 6, 2013, issued the following order:**

Notice of appeal is declined. See Rule 7(1)(B).

Under Supreme Court Rule 7(1)(B), the supreme court may decline to accept a notice of discretionary appeal from the superior or circuit court. No appeal, however, is declined except by unanimous vote of the court with at least three justices participating.

This matter was considered by each justice whose name appears below. If any justice who considered this matter believed the appeal should have been accepted, this case would have been accepted and scheduled for briefing.

Declined.

Dalianis, C.J., and Hicks, Lynn, and Bassett, JJ., concurred.

**Eileen Fox,  
Clerk**

**Distribution:**

Clerk, Coos County Superior Court, 214-2012-CV-00178

Honorable Peter H. Bornstein

✓ Mr. Dominic Ali

Attorney General

File

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THE STATE OF NEW HAMPSHIRE  
SUPREME COURT

EILEEN FOX  
CLERK OF COURT  
TIMOTHY A. GUDAS  
DEPUTY CLERK  
ALLISON R. COOK  
DEPUTY CLERK



ONE CHARLES DOE DRIVE  
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March 7, 2013

Mr. Dominic Ali  
Northern NH Correctional Facility  
138 East Milan Road  
Berlin, NH 03570

RE: 2013-0155, Dominic S. Ali v. Warden, Northern New Hampshire  
Correctional Facility

Dear Mr. Ali:

On March 6, 2013, a filing in reference to the above-captioned matter was received in the clerk's office and has been docketed as case number 2013-0155. A court order will be issued regarding further proceedings.

All correspondence and pleadings, which are filed at the Supreme Court by any party in the case, except the initial filing of the appeal document, must have the correct Supreme Court docket number. Please refer to Rule 26.

Very truly yours,

A handwritten signature in cursive script that reads "Allison R. Cook".

Allison R. Cook  
Deputy Clerk

Distribution:  
Clerk, Coos County Superior Court, 214-2012-CV-00178  
Attorney General  
File

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**THE STATE OF NEW HAMPSHIRE  
JUDICIAL BRANCH**

http://www.courts.state.nh.us

Court Name: Coos, ss Superior Court  
 Case Name: Dominic Ali v- Edward Reilly, Warden  
 Case Number: 214-2012-CV-00178  
 (if known)

**MOTION FOR: Waiver of Rule 7 in part**

The Appellant in the matter captioned above, swijuris, and respectfully  
 states the following facts and requests the following relief:

that he submitted a Notice of Appeal and is without  
sufficient funds to provide the Honorable Court with the  
number of conformed copies required by Rule 7. The appellant  
has submitted his Affidavit relative to his financial condition  
This Appellant has submitted two copies of his Notice of  
Appeal with the original and has otherwise complied with,  
Rule 7 by sending conformed copies to the Court below and  
Counsel for the parties.

WHEREFORE, the Appellant prays this Honorable Court waive  
the exact requirement of Rule 7 and authorize submission.

3/11/13  
 Date

Shir Dinnick  
 Signature  
138 E Milan Rd, Berlin, NH, 03570  
 Address

Telephone

I certify that on this date I mailed/delivered a copy of this document to:

(other party)

or

County Attorney  
 (other party's attorney)

Date

Shir Dinnick  
 Signature

**ORDER**

☐ Motion granted.

☐ Motion denied.

**Recommended:**

Date

Signature of Marital Master

Printed Name of Marital Master

**So Ordered:**

I hereby certify that I have read the recommendation(s) and agree that, to the extent the marital master/judicial referee/hearing officer has made factual findings, she/he has applied the correct legal standard to the facts determined by the marital master/judicial referee/hearing officer.

Date

Signature of Judge

Printed Name of Judge

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**THE STATE OF NEW HAMPSHIRE  
SUPREME COURT**

<http://www.courts.state.nh.us>

Trial Court Name: Cook's Superior Court  
 Trial Case Name: 214-2012-CV-00178/ Ali v. Rolly, warden.  
 Trial Case Number: ↓ ↓  
 (if known)

**MOTION TO WAIVE FILING FEE**

1. Person requesting that filing fee be waived: Dominic S. Ali
2. Reasons for request to waive filing fee:

Mr. Ali was found guilty after trial by Jury in 2008. He was sentenced to six years in prison. The trial court already determined that Mr. Ali was indigent and qualified for appointed counsel. Mr. Ali submits the financial affidavit filed with this notice of appeal in this matter, supports his contention that Mr. Ali remains in prison and indigent at this time.

For the above-stated reasons, I request that the filing fee be waived.

3/1/13  
 Date

[Signature]  
 Signature of appealing party or counsel

I certify that a copy of this motion has been sent or delivered to all other parties or their counsel.

3/1/13  
 Date

[Signature]  
 Signature of appealing party or counsel

An Affidavit of Assets and Liabilities must be filed with this motion. This form is available at the Supreme Court or on the judicial branch website:  
<http://www.courts.state.nh.us/supreme/forms/index.htm>.

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# THE STATE OF NEW HAMPSHIRE JUDICIAL BRANCH

http://www.courts.state.nh.us

## RULE 7 NOTICE OF MANDATORY APPEAL

This form should be used for an appeal from a final decision on the merits issued by a superior court or circuit court except for a decision from: (1) a post-conviction review proceeding; (2) a proceeding involving a collateral challenge to a conviction or sentence; (3) a sentence modification or suspension proceeding; (4) an imposition of sentence proceeding; (5) a parole revocation proceeding; (6) a probation revocation proceeding; (7) a landlord/tenant action or a possessory action filed under RSA chapter 540; (8) an order denying a motion to intervene; or (9) a domestic relations matter filed under RSA chapters 457 to 461-A other than an appeal from a final divorce decree or from a decree of legal separation. (An appeal from a final divorce decree or from a decree of legal separation should be filed on this form.)

### 1. COMPLETE CASE TITLE AND CASE NUMBERS IN TRIAL COURT

Dominic S. Ali v. Edward Reilly, Warden  
of the Northern Correction Facility.  
Case No. 24-2012-EV-00178

### 2. COURT APPEALED FROM AND NAME OF JUDGE(S) WHO ISSUED DECISION(S)

The State of New Hampshire Superior Court  
Coos, ss Justice Peter H. Bornstein.

### 3A. NAME AND MAILING ADDRESS OF APPEALING PARTY. IF REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

Dominic S. Ali 81829  
138 East Milan Road  
Berlin, NH 03570

E-Mail address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

### 3B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF APPEALING PARTY'S COUNSEL

E-Mail address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

### 4A. NAME AND MAILING ADDRESS OF OPPOSING PARTY. IF OPPOSING PARTY IS REPRESENTING SELF, PROVIDE E-MAIL ADDRESS AND TELEPHONE NUMBER

E-Mail address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

### 4B. NAME, FIRM NAME, MAILING ADDRESS, E-MAIL ADDRESS AND TELEPHONE NUMBER OF OPPOSING PARTY'S COUNSEL

Kathleen Broderick, Esq. 17657  
Hillsborough County Attorney  
300 Chestnut St.  
Manchester, NH 03101

E-Mail address: \_\_\_\_\_

Telephone number: \_\_\_\_\_

Case Name:

Dominic Ali v. Edward Rolly 68 of 70

## RULE 7 NOTICE OF MANDATORY APPEAL

## 5. NAMES OF ALL OTHER PARTIES AND COUNSEL IN TRIAL COURT

Ryan Norwood, with the N.H. Public Defender's Office  
Manchester NH 03101New Boston Police Department

## 6. DATE OF CLERK'S NOTICE OF DECISION OR SENTENCING. ATTACH COPY OF NOTICE AND DECISION.

September 28th, 2004

## DATE OF CLERK'S NOTICE OF DECISION ON POST-TRIAL MOTION, IF ANY. ATTACH COPY OF NOTICE AND DECISION.

9/28/20042/24/2013

## 7. CRIMINAL CASES: DEFENDANT'S SENTENCE AND BAIL STATUS

(29) Days Credit in the  
Department of Correction.

## 8. APPELLATE DEFENDER REQUESTED?

☐ YES☒ NOIF YOUR ANSWER IS YES, YOU MUST CITE STATUTE OR OTHER LEGAL AUTHORITY UPON WHICH CRIMINAL LIABILITY WAS BASED AND ATTACH FINANCIAL AFFIDAVIT (OCC FORM 4)

## 9. IS ANY PART OF CASE CONFIDENTIAL?

☐ YES☒ NOIF SO, IDENTIFY WHICH PART AND CITE AUTHORITY FOR CONFIDENTIALITY.  
SEE SUPREME COURT RULE 12.

## 10. IF ANY PARTY IS A CORPORATION, LIST THE NAMES OF PARENTS, SUBSIDIARIES AND AFFILIATES.

## 11. DO YOU KNOW OF ANY REASON WHY ONE OR MORE OF THE SUPREME COURT JUSTICES WOULD BE DISQUALIFIED FROM THIS CASE?

☒ YES☒ NO

IF YOUR ANSWER IS YES, YOU MUST FILE A MOTION FOR RECUSAL IN ACCORDANCE WITH SUPREME COURT RULE 21A.

## 12. IS A TRANSCRIPT OF TRIAL COURT PROCEEDINGS NECESSARY FOR THIS APPEAL?

☒ YES☐ NOIF YOUR ANSWER IS YES, YOU MUST COMPLETE THE TRANSCRIPT ORDER FORM ON PAGE 4 OF THIS FORM.

Case Name:

Dominic Ali v. Edward Reilly 69 of 70**RULE 7 NOTICE OF MANDATORY APPEAL**

13. LIST SPECIFIC QUESTIONS TO BE RAISED ON APPEAL, EXPRESSED IN TERMS AND CIRCUMSTANCES OF THE CASE, BUT WITHOUT UNNECESSARY DETAIL. STATE EACH QUESTION IN A SEPARATELY NUMBERED PARAGRAPH. SEE SUPREME COURT RULE 16(3)(b).

Whether the Court violated Mr. Ali's rights under part (1) article (15) of State of N.H. Constitution and the 5th, 6th and the (14) Amendment of the United State Constitution, When Mr. Ali's incompetent Counsel grossly consider Mr. Ali about the plea Nolo is failing to provide for advise and professional opinion not correctly explain the nature of the offense in sufficient detail. See: State v. Sharkey, 155 NH 638 (2009) also Boykin v. Alabama, 395 U.S. 238 (1969) And Fillmore at 147 NH 283 (2001)

Whether the Court violated Mr. Ali's rights under part (1) article (15) of the State of N.H. and the 8th and the 14th of the United States Constitution, Denying Mr. Ali's rights to testify and call of his witnesses, and an interpreter during the proceeding that the court abuse its discretion and threaten Mr. Ali with five years to allowed self incrimination.

Whether the Court error in not using its authority to the curb Prosecution broad Discretion and abuse of power and collateral damage as result of the Nolo contender conviction in 2003, Mr. Ali's indictment was upgraded to Felonies in violation of Mr. Ali constitutional rights State and Federal, part Warfield (16) and the 5th Amendment to U.S. Constitution at 14 NH 421.

**14. CERTIFICATIONS**

I hereby certify that every issue specifically raised has been presented to the court below and has been properly preserved for appellate review by a contemporaneous objection or, where appropriate, by a properly filed pleading.

*Ali Dominic*  
Appealing Party or Counsel

I hereby certify that on or before the date below, copies of this notice of appeal were served on all parties to the case and were filed with the clerk of the court from which the appeal is taken in accordance with Rule 26(2).

Date

3/1/2013

*Ali Dominic*  
Appealing Party or Counsel

Case Name:

Dennis Ali v. Edward Reilly Jr of CO**RULE 7 NOTICE OF MANDATORY APPEAL****TRANSCRIPT ORDER FORM****INSTRUCTIONS:**

1. If a transcript is necessary for your appeal, you must complete this form.
2. List each portion of the proceedings that must be transcribed for appeal, e.g., entire trial (see Supreme Court Rule 15(3)), motion to suppress hearing, jury charge, etc., and provide information requested.
3. Determine the amount of deposit required for each portion of the proceedings and the total deposit required for all portions listed. Do not send the deposit to the Supreme Court. You will receive an order from the Supreme Court notifying you of the deadline for paying the deposit amount to the court transcriber. Failure to pay the deposit by the deadline may result in the dismissal of your appeal.
4. The transcriber will produce a digitally-signed electronic version of the transcript for the Supreme Court, which will be the official record of the transcribed proceedings. Parties will be provided with an electronic copy of the transcript in PDF-A format. A paper copy of the transcript will also be prepared for the court.

**PROCEEDINGS TO BE TRANSCRIBED**

PROCEEDING DATE (List each day separately, e.g. 5/1/11; 5/2/11; 6/30/11)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	LENGTH OF PROCEEDING (in .5 hour segments, e.g., 1.5 hours, 8 hours)	RATE (standard rate unless ordered by Supreme Court)	DEPOSIT
9/28/04	violation of restraining order	Michael D. Ryan	15 minutes	X \$137.50	\$
	hearing			X \$137.50	\$
2/15/11	Hearing to withdraw Paul H. v. Nolo contendere Lawrence Allen		10 minutes	X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				X \$137.50	\$
				<b>TOTAL DEPOSIT</b>	\$

**PROCEEDINGS PREVIOUSLY TRANSCRIBED**

PROCEEDING DATE (List date of each transcript volume)	TYPE OF PROCEEDING (Motion hearing, opening statement, trial day 2, etc.)	NAME OF JUDGE	NAME OF TRANSCRIBER	DO ALL PARTIES HAVE COPY (YES OR NO)	DEPOSIT FOR ADDITIONAL COPIES
2/8/04	violation of restraining order	Michael D. Ryan		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TBD
	hearing			<input type="checkbox"/> Yes <input type="checkbox"/> No	TBD
2/15/11	Withdrawal of Nolo contendere	Paul H. Lawrence		<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TBD

**NOTE:** The deposit is an estimate of the transcript cost. After the transcript has been completed, you will be required to pay an additional amount if the final cost of the transcript exceeds the deposit. Any amount paid as a deposit in excess of the final cost will be refunded. The transcript will not be released to the parties until the final cost of the transcript is paid in full.